MEMORANDUM_____

TO:	The Commission
FROM:	Leslie Haynes, Administrative Law Judge
DATE:	May 8, 2002
SUBJECT:	Z-Tel Communications, Inc.
	-vs-
	Illinois Bell Telephone Company, d/b/a Ameritech Illinois,
	Verified Complaint and Request for Emergency Relief Pursuant to Sections 13-514, 13-515 and 13-516 of the Illinois Public Utilities Act.
RECOMMENDATION:	Adopt the language as contained in the ALJ's Written Decision.

_____

I agree with Commissioners Harvill and Squires that the record supports a finding that the LLN provided to Z-Tel contains less information and is not provided in a timely manner.

I understood Commissioner Harvill to say that it is the intent of the Commission to require Ameritech to provide Z-Tel the same information it provides its Winback unit and its retail unit and that he disagreed with my language because I only require that Ameritech provide a report that is the equivalent to that sent to Winback. Hence, I have revised Commissioner Squires' language to require the enhanced LLN be improved to include information that is sent to either Ameritech's "retail or Winback" business units. This change is within the scope of the relief requested by Z-Tel.

I also recommend that the first paragraph of Commissioner Squires' language (to be inserted on the top of p. 18) be deleted because it could be confusing and is not necessary to reflect the Commission's intent as expressed by Commissioner Harvill.

Z-Tel requested in its Complaint that Ameritech be required to provide the "identical Line Loss Notification that it provides to its own retail operations." Granting Z-Tel a "mirror record" of the information in ASON goes beyond the relief requested in the Complaint, as Commissioner Kretschmer pointed out, because it is not merely an upgrade of the Line Loss Notice sent to Z-Tel. The relief granted should reflect Z-Tel's request and also the focus of the evidence in this proceeding. I added a sentence to

Commissioner Squires' language to make clear what relief was requested. Consistent with that I deleted Commissioner Squires' language that said CLECs should have the option to receive more detailed "OSS information about changes to customer's records." That statement could include changes such adding caller I.D. and removes the focus from the LLN.

I must point out, though, that what additional information is received by Ameritech retail and in what timeframes is not part of the record. The information contained in ASON includes any changes that are made to any Ameritech customer on a given day. Requesting this, as Z-Tel does, goes beyond the scope of this proceeding which deals with how the LLNs that Z-Tel receives are untimely and incorrect. The record supports a finding that the 836 LLN is faulty and needs to be improved. The record also supports a finding that the LLN sent to the Winback business unit contains more information. Therefore, the record supports a finding that in order for Z-Tel to receive non-discriminatory LLN, the LLN should contain at least the information contained in the LLN sent to Ameritech Winback and be sent in a timely manner. Any requirement beyond this becomes vague and therefore difficult for Ameritech to comply with or the Commission to enforce. I would submit that the language contained in the Written Decision submitted to the Commission accomplishes this goal and is supported by the record.

However, if the Commission chooses to adopt Commissioner Squires' language, please consider the following proposed changes in legislative style.

II) Parity Requirement

I support revising the parity language as recommended by Z-Tel in its Petition for Review (with a few, minor grammatical changes). This would entail the following:

1. Amending Section III(D)(1) by inserting the following two paragraphs immediately before the final paragraph in Section III(D)(1):

"***Any change to an end-user's (Ameritech and Z-Tel customers) service is made in a database called ASON (Ameritech Service Order Negotiation System). Once that information is typed into the ASON database and the record change is entered, an Order is generated to provision services to the customer. ASON is the central processing database that is used to enter Change Orders to customers' service for both Ameritech Retail and Wholesale orders. When a change order is made to an Ameritech customer's record in ASON, a "mirror" copy of that data file is delivered immediately to several Ameritech-retail operating units, including a downstream system in Ameritech's retail operations which it refers to as the Service Order Interface. When the ASON record is changed due to a customer's changing his/her service, ASON will automatically distribute a mirror copy of that data record to the Service Order Interface which will in turn generate additional copies downstream so that other Ameritech***

departments have it. Ameritech's retail operations receive a mirror copy of the ASON record, while Z-Tel only receives the 836 LLN.

"*The OSS information that is provided to Ameritech's retail operations is superior to the limited information provided to Z-Tel in an 836 Line Loss Notification. The 836 Line Loss Notification given to Z-Tel contains essentially the telephone number, and the date of disconnect. However, the mirror record of the ASON file that is provided to Ameritech's retail operations contains significantly more information that can be useful in serving and winning back customers.*"

2.   Amending Section III(D)(2)(a) "Parity Requirement" as the following language illustrates:

"*Z-Tel should, however, have the option of receiving a more detailed OSS information about disconnected customers, notice, containing the same data fields as are currently sent to Ameritech's retail and Winback business units. that currently sent to Ameritech Winback in the enhanced LLN. As a permanent solution, Z-Tel requests that Ameritech establish systems that will provide Z-Tel with the identical and instantaneous data from Ameritech's ASON system that Ameritech provides its own retail databases. Z-Tel requests that this be in place by July 1, 2002. Staff supports a modified form of this request. In its Brief, Staff recommends that at a minimum, Ameritech should make available the option to Z-Tel to receive the same information as Ameritech provides to its retail organization today in form of the loss disconnect report in addition to receiving the 836 LLN.*

Ameritech argues that this relief was not asked for or even mentioned in the complaint or amended complaint and for that reason, it cannot be granted. We disagree. Z-Tel requests, under Count I, that Ameritech be enjoined from Winback marketing "until such time as Ameritech provides identical Line Loss Notification to Z-Tel as it provides to its own retail operations." (Amended Complaint at 14). The Complaint requests an improved Line Loss Notice and is not satisfied by merely requiring Ameritech Winback to only use the 836 LLN.

Ample evidence was provided at hearing showing that the enhanced LLN that Ameritech Winback receives contains more data fields and is generated at an earlier stage than the notice sent to Z-Tel. In addition, the evidence shows that Ameritech provides copies of the records generated by the ASON database to Ameritech's retail business units. These ASON records are the measure by which to determine whether Ameritech is providing nondiscriminatory access to its OSS. Until such time as Ameritech provides CLECs the option of receiving an enhanced notice, a mirror record of the ASON data record that is delivered to the Service Order Interface, an enhanced notice, Ameritech Winback personnel are directed to only use the 836 LLN. CLECs rely on 836 notices for marketing as well as billing. While we believe that it would be inappropriate to require

Ameritech to switch to using 836 notices for billing purposes, we do find that it would <u>be</u> beneficial for CLECs and customers for CLECs to have the option to receive ~~a~~ more detailed OSS information <u>concerning a lost customer's records.</u> ~~about changes to customer's records. LLN.~~

    Once Ameritech has in place a system where Z-Tel can choose between the 836 LLN and/or a notice that <u>is sent in the same timeframes and</u> contains as much information as that currently sent to Ameritech<u>'s retail</u> <u>and Winback business unit</u>s~~,~~ ~~Winback,~~ then Ameritech Winback may use the enhanced LLN again. Ameritech is directed to make this option available to Z-Tel by July 1, 2002.<u>"</u> ~~We clarify, however, that we are not adopting Z-Tel's proposal to receive instantaneous data from Ameritech's ASON system, but that Ameritech will develop another LLN that will contain more information."~~

LH:jt

4